

SEP 14 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

AUDELIO ARZOLA-AMAYA,

Petitioner - Appellant,

v.

CHARLES DEROSA, named as Charles J.
DeRosa,

Respondent - Appellee.

No. 06-15019

D.C. No. CV-05-00278-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Audelio Arzola-Amaya appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Arzola-Amaya contends that the district court erred in finding that his life sentence had not been converted to a fixed term of 540 months. Arzola-Amaya contends that because the Bureau of Prisons (“BOP”) has converted his sentence into a fixed term of 540 months, he is entitled to good time credits. Arzola-Amaya further contends that because he has been awarded good time credits while incarcerated, the BOP is estopped from denying the application of these credits.

These contentions are unpersuasive. The record belies Arzola-Amaya’s premise that the BOP has converted his sentence into a fixed term. Given that Arzola-Amaya was sentenced to life imprisonment for violating 21 U.S.C. § 848, he is not entitled to good time credits. *See* 18 U.S.C. § 4161, *repealed by* Sentencing Reform Act of 1984 (effective November 1, 1987); *see also* 18 U.S.C. § 3624(b) (stating that prisoners serving life sentences are not entitled to a deduction for good time credits). Finally, regardless of any good time credits he may have received, Arzola-Amaya has not demonstrated his entitlement to equitable estoppel. *See Johnson v. Williford*, 682 F.2d 868, 871-73 (9th Cir. 1982).

AFFIRMED.